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SUMMARY RECORD OF THE 421st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 7 October 1997, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Togo (CRC/C/3/Add.42; CRC/C/Q/TOGO/1; HRI/CORE/1/Add.38/Rev.1) (continued)

1. At the invitation of the Chairperson, Mr. Gnondoli, Ms. Aho and Ms. Ajavon (Togo) resumed their places at the Committee table.

2. Mrs. KARP thanked the delegation for the frank answers it had given to questions asked at the preceding meeting. She had had the impression that Togo might be more at ease with the African Charter on the Rights and Welfare of the Child because it felt that the Convention bore little relation to the Togolese situation, but she wondered whether, in the final analysis, there was any significant difference between the Charter, which stressed respect for the child, and the Convention, which referred to the human dignity of the child. Listening to a child's views was one way of showing him respect. While she understood that the new idea of participation might clash with some traditional ways of thinking, she could not see how it could conflict with the Togolese notion of respect between parents and children. Were there any plans to study the roots of Togolese traditions and attitudes? Did they take the human dignity of the child into account? In what way did they depart from the guidelines offered by the Convention?

3. She asked whether it was compulsory for teachers, doctors and social workers to report any cases of child abuse which had come to their notice. Did they know to whom they should apply in order to help the victim? Were there any special mechanisms enabling children to lodge complaints, other than through the courts? Was there a complaints procedure for children in penal or welfare institutions? Were monitoring bodies obliged to inspect institutions and find out whether the children had any complaints? Was there a procedure for making complaints about schools? What machinery existed to investigate allegations of police brutality? Could the delegation provide any examples of cases in which members of the police force had been brought to trial? Lastly, she requested data about the number of young persons under 18 in Togo. Did the statistics provided reflect historical attitudes or were precise figures simply unavailable?

4. Mr. GNONDOLI (Togo) said that the implementation of the Convention in his country required financial resources. In addition, training for judges, public prosecutors and the police, backed up by an exchange of experiences, would be needed in order to change attitudes. While Togo was determined to promote children's rights, it required help from the United Nations Children's Fund and the Committee to do so.

5. It was incumbent on the Government to make provision in its budget for the health, education and welfare of the child. Outside assistance merely supplemented those appropriations. There was, however, a shortfall in external aid and a lack of resources was hampering the Government's policy implementation. Legislation and programmes could not be implemented unless financial support was forthcoming because Togo had been badly hit by devaluation. Children were entitled to food, housing, education and health

care, but, if their parents were poor, they had none of those things and had to turn to the State for what little help it could afford. The amount of development aid was dwindling every year and not even priority targets could be met.

6. In reply to Mrs. Karp, he said that the purpose of the studies mentioned was to examine the implications of compliance with the Convention, not to call the Convention into question. No preference for the African Charter should be inferred on that account. The rights in the Charter were indeed similar to those in the Convention.

7. Ms. AHO (Togo) said that there was no obligation to report abuses, but the media had helped to heighten awareness of the issue and many more cases were being referred to the authorities. Children themselves could turn to welfare workers or the appropriate government department and often did so. The Juvenile Division and the social services were located in the same building, and that ruled out the possibility of young people being ill-treated by the police when they were questioned there. Quarterly reports were drawn up on the development of children in institutions. The Division for Families and Children, which ran children's institutions, inspected them almost every month and tried to improve living conditions there. Every year, it had to submit a report on its own institutions and was entitled to inspect the homes and orphanages run by NGOs, which were also bound by an agreement with the Government. She admitted that cases of police brutality did occur, but her service intervened as soon as it was informed about them.

8. Mr. GNONDOLI (Togo) said that statistics on the 15 to 18-year age group existed. The Demographic Research Unit was busy updating the figures from the 1981 population census. The lack of information did not, however, mean that young people were deprived of protection. He would send a more detailed breakdown on returning to his country.

9. The CHAIRPERSON invited the members of the Committee to ask questions on the definition of the child and general principles.

10. Mrs. OUEDRAOGO asked whether Togo's intention of returning to the age limits established by the Mandel Decree would not introduce discrimination against girls. If a child started work on reaching the minimum age of employment, he would not have completed his compulsory schooling. There was therefore a danger that he might be exploited. After the law had been amended, what would be the minimum age for marriage, penal sanctions, medical examinations without parental consent and enrolling in the army? If the minimum age of sexual consent was 14, could a girl of 14 marry if she became pregnant and could she continue her primary schooling thereafter?

11. Mr. GNONDOLI (Togo), noting that his reply to Mrs. Ouedraogo's first question tied in with his reply to question 11 of the list of issues, said that, in Togolese legislation, the definition of the child, and hence of a minor, varied from one code or statute to another. It would have to be brought into line with the definition contained in the Convention. The preliminary draft amendment of the Individuals and Family Code would make 18 the minimum age for criminal responsibility and civil liability. In his view, it was not right that the age of marriage should be different for boys and

girls. In reply to question 12, he said that, under article 455 of the Code of Criminal Procedure, children under 13 were not deemed criminally responsible. Young offenders aged between 13 and 18 were tried by the juvenile courts. The age of criminal responsibility was therefore 18. The age of recruitment into the armed forces was 18. The minimum age to give testimony before the court was 21, but, in accordance with article 317 of the Code of Criminal Procedure, a young person could be heard without taking an oath as of the age of 16.

12. With reference to question 13, he explained that Togolese legislation prohibited the employment of young children. A person had to be at least 18, but no more than 35, in order to become a member of the Civil Service. According to article 114 of the Labour Code, moreover, children could not be employed, even as apprentices, until they had reached age 14. Nevertheless, children under that age often found work in the informal sector as domestic servants or farm labourers. Although the Labour Inspectorate was supposed to report such cases, practices were lax.

13. Ms. AHO (Togo) said that the right of children to education was provided for in the Constitution. The State was therefore bound to promote education and give it priority over apprenticeship. There were nevertheless virtually no vocational training centres in Togo, so children were forced to acquire skills on the job in the informal sector. The minimum age of employment and the age of compulsory schooling had to be harmonized.

14. Mr. GNONDOLI (Togo), referring to question 14 of the list of issues, said that the age of marriage for boys and girls should be 18.

15. Ms. AHO (Togo) said that the Mandel Decree of 1939 had made the consent of both bride and groom compulsory, whereas, before that, it had been customary for the parents to give their consent, regardless of the young people's feelings. At all events, Togo intended to make the minimum age of marriage 18 for both sexes and emphasis would continue to be placed on consent.

16. Referring to the answers she had given to question 18 of the list of issues at the preceding meeting, said that there was no discrimination against disabled children, who had traditionally been regarded as "holy". It was only because of the recent economic crisis that they might now be seen as a burden. The Division for Families and Children had a special section which dealt with disabled children and there was a national policy for that vulnerable sector of the population. Institutions for disabled children received State subsidies, were sited on State land and were monitored by the State. Education for the disabled was provided in special schools throughout the country that also received subsidies and were staffed by specially trained teachers. There were, however, no special institutions for seriously handicapped children or children suffering from AIDS, who were placed in existing homes.

17. In response to question 16 of the list of issues, she said that the Family Code made no distinction between children born in wedlock and children born out of it: both were considered equally legitimate, so that for example, natural children were taken into account when calculating family allowances.

The concept of minorities was unknown in Togo. As she had already stated, provision was made for the health care, education and training of street children and counselling services were available for those of them who were drug addicts.

18. Concerning question 17, the best interests of the child were safeguarded by articles 129 and 147 of the Family Code, which required judges to take account of reports by the social services in decisions affecting children. Again in the best interests of the child, priority was given to adoption within Togo and intercountry adoption was resorted to only if there was no other solution. An adoption committee had been set up to oversee adoption procedures, on which the judiciary, children's homes, the social services and NGOs such as Terre des Hommes were represented. Article 456 of the Code of Criminal Procedure regulated the administration of justice in respect of minors.

19. In reply to question 18, she said that great efforts were made to ensure respect for the views of the child, especially in cases of divorce and in cases of children in conflict with the law. Article 217 of the Family Code required that children of under 16 years of age should be given the opportunity to express their preferences in adoption cases. In order to increase public awareness on the issue, seminars for parents and educators were held, focusing particularly on the need to communicate with the child. In Togo, children were closely involved in family decisions and indeed in all aspects of family life.

20. Mr. FULCI, referring to discrimination, said that independent sources had reported that, in Togo, fewer women than men attended university and fewer women than men graduated from secondary schools owing to the fact that, by tradition, families gave priority to boys when deciding who should attend school. Could the delegation comment on these reports and indicate whether any specific measures to combat discrimination were planned? How many university students were there in the country and what was the percentage of children and young people in education at the four levels referred to in paragraph 89 of the report, assuming that the fourth level was university level?

21. Mrs. PALME said that she too was concerned about the lack of equality between girls and boys in Togo. Discrimination seemed to be part of Togolese culture and it was clear that changes of attitude were needed. The fact that the mother was not regarded as having the same rights as the father would have lasting psychological and social effects on girls and boys within the family. The delegation had indicated that, in Togolese society, there was a positive acceptance of children with disabilities, but it had also stated that there were many of them in institutions, and that appeared to be a contradiction. Inclusion was of great importance to disabled children and the Government should develop strategies for integrating them into the mainstream of society. Did Togo have any long-term plans for dealing with children with disabilities?

22. Mrs. KARP said that she would appreciate more information on the minimum age for giving evidence in court, in the light of the need to guarantee the child's protection and also of the need to ensure its participation in matters

concerning it. How did the State party guarantee the protection of children below the age of 16 who had been victims of abuse or of other violations of their rights or who had been witnesses of such violations, if they were not able to be heard in court? Between the ages of 16 and 19, did evidence given by the child have to be corroborated?

23. She would also like clarification of the apparent discrimination against women with respect to allowances and entitlements after divorce, in the light of the fact that a large proportion of families in Togo were headed by women. She had been glad to learn that children had taken part in drafting legislation concerning them, but would like to know in what way they had participated. Were those who took decisions affecting children, such as judges in custody cases, required by law not only to hear them, but also to take their opinions into account? She understood that the best interests of the child were taken into consideration in adoption cases, but did the adoption procedure include a statutory obligation to hear the child and to take his views into account and was the same true for procedures for placing children in foster homes or institutions? Was the child heard in person or through social workers?

24. Were children's associations encouraged or were restrictions such as age limits imposed on them? The delegation had cited examples from an urban environment on how the right of the child to be heard was guaranteed, but she would like to know more about the situation in rural areas and how child-care professionals were being trained to cope with persistent negative social attitudes. Had any difficulties been encountered in updating and improving legislation on children?

25. The CHAIRPERSON noted that paragraph 34 of the report stated that in rural areas the discriminatory principle remained and that paragraph 38 stated that the provisions of article 12 of the Convention might conflict with the traditional behaviour of African parents. What measures had been taken in terms of education and awareness-raising to combat that situation and had the use of peer advocacy been contemplated?

26. With reference to section I of the report on the "Definition of the Child", she did not understand why the Government saw the need to lower the age of majority from 21 to 18, in view of the fact that article 41 of the Convention stated that any existing laws more conducive to the realization of the rights of the child would not be affected by the Convention's provisions. She would also like to know what was meant by "the age of emancipation", particularly in relation to the last sentence of paragraph 20, which stated that, in future, it would be necessary to go back to the minimum ages set under the Mandel Decree of 1939.

27. Mrs. OUEDRAOGO requested the delegation to reply to her earlier question on whether a girl of 14 who became pregnant would be allowed to continue her studies, since, in some countries, she would be excluded from the educational system. Were any specific measures to be taken to ensure that the various minimum ages referred to in paragraphs 13 to 20 of the report were respected, particularly since it was the custom in Muslim communities in the region to give girls in marriage at a very early age?

28. Noting that paragraph 4 of the report stated that steps had been taken to eliminate the "effects of discrimination", she asked what forms that discrimination took. What action had been taken to implement the recommendations of the Beijing Conference on the promotion and development of the girl child? Although the Constitution stated that men and women were equal in law, women still faced discrimination, especially in the area of education. The figures given in paragraph 35 for the number of girls enrolled in schools were not encouraging and studies should be carried out to determine the cause of that situation.

29. Paragraph 36 of the report was very vague on action taken in the best interests of the child and specific examples should be given. Similarly, paragraph 37, concerning the right to life, survival and development, made no mention of any national plan of action launched following the World Summit for Children. Could the Committee be told what goals had been set under that plan?

30. With reference to paragraph 38 on respect for the views of the child, it was true that, in traditional African society, the child had always been relegated to the background, but, under the Convention, he had been accorded his rightful place and was entitled to speak his mind on questions concerning him. A campaign should be launched to increase public awareness of the Convention and of the four basic principles on which it was based.

31. Mr. GNONDOLI (Togo), replying to the question asked by Mr. Fulci, said that, in principle, there was no discrimination between boys and girls in education, either in the Constitution or in law. In practice, however, very few girls reached university level, owing to the fact that many of them tended to drop out at an early stage in order to go to work. In rural areas, the traditional view had been that education was not appropriate for women and some parents, particularly parents of large families, had tended to prevent girls from attending school. However, the public was now becoming aware that girls could succeed as well as boys if given the same opportunities.

32. With regard to paragraph 34 of the report, he explained that the discrimination mentioned concerned inheritance, where women had been traditionally excluded. However, judges were increasingly taking decisions which enabled women to take their rightful share in inheritance.

33. Ms. AHO (Togo) said that a committee had recently been set up in Togo which was working in cooperation with an NGO, the League for the Defence of Women's Rights, to review all legislation that discriminated against women in such fields as social security, taxation and inheritance.

34. Replying to the question on the percentage of women in education, she said that statistics for the period 1994 to 1995 showed that, in rural areas, where children traditionally worked on the land, the percentage of children in education was lowest, 46 per cent for boys as against 24 per cent for girls. Throughout the country, 57 per cent of the school population were boys and 19 per cent girls. At the secondary level, the percentage of girls was 22 per cent and, at the tertiary level, 16 per cent, while the figure for technical education was 28 per cent and, for higher education, 13 per cent.

35. Ms. AJAVON (Togo) pointed out that the disparities referred to were largely the result of sociological factors, especially poverty. As had already been explained, large numbers of girls enrolled in primary school, but a large proportion later dropped out to help their mothers in the home or to earn money. To tackle that problem, the Government had launched an aid programme with the assistance of UNICEF, which specifically targeted the girl child. In reply to Mrs. Ouedraogo's question, she said there had in fact been a case of a girl who had had a baby, but who had nevertheless been able to attend primary school and obtain her certificate.

36. Mr. GNONDOLI (Togo) said it was clear that some harmonization of ages was needed. However, the review of legislation initiated following the ratification of the Convention and the promulgation of the Constitution was still incomplete. Furthermore, there did not always appear to be agreed age thresholds in national and international practice in some cases such as the age of emancipation and the age of sexual consent. The matter would be looked into and covered in Togo's next report to the Committee.

37. The concept of the best interests of the child was indeed embodied in domestic law, even though that specific term was not used. Reference was made to the interests of the child, the benefit of the child or certain action characterized as being "for the child". Such references appeared in many provisions of the Individuals and Family Code. Efforts would be made to bring the wording of domestic legislation into line with that of the Convention.

38. Ms. AHO (Togo) said that, although disabled children were placed in institutions, the objective was not to institutionalize such children, but to ensure they had access to education and were prepared for becoming full members of society. Such children did not, moreover, live in the institutions, spending the day there, but going home at night.

39. A child's length of stay in an orphanage could vary depending on circumstances. The policy was to keep the stay to a minimum and, in the case of abandoned children - the law declared any foundling child whose origin had not been traced after three months to be abandoned - steps were taken to place them in new families without delay. Children became adoptable on attaining the age of six months and were medically examined before release for adoption. Those found to be HIV-positive unfortunately had to remain in institutions, as it was not possible to find adoptive homes for them.

40. Active steps were taken to ensure a child's right to be heard. Children's views were taken into consideration when a child was before a court or an examining magistrate; the wish to stay with a parent or close relative instead of placement in a corrective institution was respected even where that might require close supervision of a mother or an inquiry into the willingness or suitability of a relative for such placement. The child's progress was also kept under review. In addition to placement and housing, a child's wishes regarding apprenticeship were also taken into account.

41. Ms. AJAVON (Togo), referring to the participatory rights of the child, said that a series of visits had been made to secondary schools throughout the country to hear the views of children on the Convention. It had been surprising to find how well-informed children actually were on the subject and

what pertinent questions they asked. They had been requested to complete a questionnaire to canvas their views before the completion of the first draft of the projected children's code. Comments on the first draft itself had also been invited from all children, including deprived and disabled children. Work was still under way to bring the draft code into line with the Convention, copies of which had been distributed to children.

42. Ms. AHO (Togo) said that, throughout the country and especially at the village level, children with disabilities and young drug abusers were considered not just as belonging to a given family, but to the community as a whole. Such children were thus placed in the care of their communities, which were expected to look after them. Efforts were being made to create greater awareness in communities on the subject.

43. Mr. RABAH, noting apparent variations in the age of criminal responsibility, said that the Code of Criminal Procedure stipulated that minors below the age of 13 years were not subject to criminal proceedings, but only to judicial protection measures. What did those measures entail? Other provisions stipulated that minors over the age of 15 could be referred to a juvenile court. Furthermore, paragraph 24 of the report stated that sanctions were appropriate to the age and personality of the child. He asked about the legal status of children aged between 13 and 15 and between 15 and 18. If 13 was indeed considered to be the age of criminal responsibility, it was too low.

44. Mr. GNONDOLI (Togo) said that, under the Code of Criminal Procedure, a child under 13 years of age could be subject only to measures of protection. Minors between the ages of 13 and 18 could be liable to criminal proceedings, but, if convicted, only those aged 16 and above could receive custodial sentences and then only for repeat offences. Such provision provided a double tier of protection.

45. Ms. AHO (Togo) said that the measures of protection employed were placement in a family or in an institution. Such institutions were intended to help such children, not to marginalize them. Children could follow apprenticeship courses in workshops both inside and outside the institution.

46. Mr. GNONDOLI (Togo), replying to question 19 of the list of issues, said that the registration provisions in Togo required all children to be registered within a certain time of birth, but an extension of the period could be granted. Article 75 of the Penal Code made failure to register births or deaths punishable by a fine. In remote areas, traditional leaders, village authorities and State officials were empowered to receive notification of births.

47. Ms. AHO (Togo), replying to question 20, said that the practice with regard to nationality was that set out in the Constitution. Furthermore, the Family Code had been amended in 1989 to stipulate that any child under five years of age of unknown affiliation found on Togolese territory was held to have been born in Togo and was registered as such. Articles 1, 2 and 3 of the Nationality Code had been amended in the same way. Previously, such children had had no civil status in Togo.

48. The inadequacy of the media referred to in question 21 related to the lack of programmes for children. At present, children's programmes were broadcast only on days when they were not at school. The National Committee for the Protection and Promotion of Children was not yet in operation for lack of funds. However, the various ministries represented on the Committee were currently engaged in creating awareness of civil rights and freedoms among the general public by means of seminars and other measures.

49. Mr. GNONDOLI (Togo), replying to question 23, said that torture was explicitly prohibited in Togolese law. That principle was not only embodied in the Constitution, but also stemmed from the commitments resulting from Togo's ratification of the Convention against Torture, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. While no cases of torture of adults or children had been reported, some cases of ill-treatment of children had occurred, which could be considered to come under the same heading as torture if used to extract a confession. The Penal Code contained no specific penalties against torture, but the penalties for wilful violence could be applied if necessary.

50. In reply to question 24, he said that no legal provision existed to prohibit or authorize corporal punishment. In practice, some form of mild corporal punishment was at times applied to children in families and schools. However, there was a gradual move away from such practices, although there was a need to create more awareness among parents and teachers to reduce the incidence further. Beyond a given level of severity of corporal punishment, as in the case of wilful violence leading to work incapacity lasting for a period of between 10 days to 3 months, criminal proceedings could be brought against an offender.

51. Ms. AHO (Togo) said that measures to promote parental participation (question 25) included social security allowances, such as the prenatal allowance per pregnancy of CFA 4,500, the family allowance per child of CFA 2,000, the workers' home allowance of CFA 6,000 provided once only on request and bank loans made available to parents at the start of the school year for assistance with schooling needs.

52. The creative measures mentioned in question 26 would include efforts made in conjunction with non-governmental organizations to generate income for single mothers through small enterprises and to provide assistance with schooling. Terre des Hommes also sponsored deprived children at school and at home.

53. Articles 208 to 232 of the Family Code covered national adoption (question 26) and also some aspects of intercountry adoption. Accession to the Hague Convention was still under consideration.

54. The social welfare authorities, including their regional offices and the Directorate of the Family, exercised control over welfare institutions (question 28), with the principal object of ensuring the well-being and proper development of children in care. Institutions such as the infant care centre in Lomé and the national solidarity agency taking care of deprived children and victims of natural disasters received government grants. Sponsorship schemes existed to provide help in schooling.

55. Quarterly review meetings were held to review the progress of each child in placement (question 29). Such reviews were automatically sent to the children's judge if the child's placement had been ordered by a children's court. Any indication of a problem was investigated.

56. Efforts were being made at all levels to create awareness among parents of the need to ensure children were not ill-treated (question 30). The Family Code made provision for children to be removed from abusive parents. Children could also bring complaints to the notice of the social services. Articles 78 and 79 of the Penal Code provided penalties for domestic violence against children (question 31); other measures were provided for in articles 253 to 258 of the Family Code.

57. In addition to the information given in paragraph 66 of the report (question 32), children were permitted to return to their families during school holidays as part of their rehabilitation. Institutions therefore included social services responsible for relations with families and efforts to renew children's links with their families.

58. Mrs. OUEDRAOGO, referring to paragraph 40 of the report, asked what measures were being taken to remove the incompatibilities in the various laws dealing with nationality. She also asked whether many people failed to register births. Were the penalties for such failure (para. 41 of the report) not somewhat harsh in view of the fact it was generally the fault of persons in deprived circumstances who were often ignorant of the regulations? Was registration restricted to parents or could another relative or friend of the family register a birth?

59. She wondered how freedom of expression for children was guaranteed in practice in the home and at school. Coming from a country in the same region as Togo, she was aware that the traditional practice was for children to be expected to remain silent in the presence of adults.

60. Children's access to information was said to be inadequate (para. 43 of the report). Had any measures been taken to improve that situation or to protect children from seeing films and videos that could be harmful to them? Noting that the Constitution guaranteed freedom of opinion, conscience and religion, she asked whether any protection was afforded to children against traditional religious or cultural practices that might be harmful to their development.

61. What opportunities did children have to join youth organizations at school and in their home districts? Such organizations often provided an excellent vehicle for teaching children about their rights. According to paragraph 46 of the report, children over 16 years of age could join a trade union. At what age were young persons permitted to join a trade union of their own volition?

62. The right not to suffer torture or other cruel, inhuman or degrading treatment or punishment was guaranteed by the Togolese Constitution, but the report had given no account of how that right was ensured in practice. There were reports of frequent torture of young detainees by the security forces in Togo. What measures were being taken to ensure that law enforcement and other

officials respected the relevant provisions of the Constitution? The best approach would be to provide suitable training for all officials dealing with children. She hoped that the delegation's appeal for assistance on that score would be heard by the Committee.

63. Mr. RABAH asked for a clarification of the contradiction between the Nationality Code and the Constitution (para. 40 of the report) in relation to a child born of a Togolese mother and a father who was stateless or of unknown foreign nationality.

64. Mrs. KARP expressed concern about current legislation under which wilful violence was deemed punishable only when it impaired the victim's capacity to work. She wondered how it applied to children and why a distinction was drawn between children under and over the age of 15. Were there any plans to review such legislation?

65. The absence of legislation prohibiting corporal punishment affected Togo's compliance with the provisions of articles 19, 37, 38 and 40 of the Convention. Moreover, the present limited definition of assault under criminal law, which did not afford the victim adequate protection, might allow for the application of excessive corporal punishment on the grounds that it did not result in the victim's incapacity to work. Was there any prospect of legislation being introduced that would ban all forms of corporal punishment?

66. She would welcome specific examples of how a child's right to privacy was protected in Togo. Also, what efforts were being made to change public attitudes, ensure law enforcement and provide support in respect of domestic violence? From the information provided so far, it seemed that such matters were still very much taboo and that law enforcement officers were reluctant to interfere.

67. Similarly, how was the law enforced in cases of abuse and incest? Such practices must be properly defined in the Penal Code not merely for the purpose of bringing the perpetrator to justice, but also in order to educate the general public and help rehabilitate the child victim.

68. Mr. GNONDOLI (Togo) said that by law all births must be registered within a certain time limit, regardless of the place of birth. In practice, particularly in more remote areas, births were not always registered in time. In such cases, the persons concerned could apply to the courts for a supplementary ruling and were granted a period of grace in which to comply with the procedure. As yet, there were no computerized records of civil status in Togo and the situation was thus difficult to monitor. Admittedly, the penalties to which people who failed to register births were liable seemed rather harsh; in fact, they were very rarely applied.

69. Ms. AHO (Togo) said that births could be registered free of charge by anyone in contact with the family concerned, including social workers. The cost of a supplementary ruling, if required, was 350 CFA francs.

70. Mr. GNONDOLI (Togo) said that efforts were being made to change attitudes towards freedom of expression for children, but it would be a long time before the situation was fully in line with the provisions of the

Convention. Traditionally in Togolese society, in the home and elsewhere, children must ask adults for permission to speak. In schools, however, more modern teaching methods encouraged greater freedom of expression.

71. Much work remained to be done with regard to access to information, which at present was not guaranteed to all sectors of the population, particularly in the more remote areas.

72. Ms. AHO (Togo) said that some progress had nonetheless been made: news programmes were translated into the different languages spoken in Togo and there were local radio broadcasts specifically for village communities. Furthermore, women were kept informed of current affairs and encouraged to learn to read and write through initiatives undertaken by various women's groups and associations.

73. In reply to the question on films and videos, she said that a committee met once a month to vet all films to be shown in the capital, Lomé. Video viewing rooms had begun to appear in private homes throughout the country during the recent economic crisis as a way for people to earn some ready cash. Since then the problem had escalated and so an interministerial committee had been set up to regulate such activities and access to them, particularly since their main clients were young people. The entry of films and videos into the country was monitored by the Customs Service and the Ministry of the Interior.

74. A bill prohibiting genital mutilation had been submitted to Parliament recently and was likely to be approved.

75. Mr. GNONDOLI (Togo), replying to the question on the differentiation in criminal law in respect of the protection afforded to children of different ages, said that, in general, when the child was the victim of violence, the penalty was twice as great as when the child was the offender. For instance, a person who raped an adult was liable to a prison sentence of 5 to 10 years, while a person who raped a child was liable to a sentence of at least 10 years.

76. He had taken note of comments on the absence of legislation relating to corporal punishment and the risk of human rights violations that that entailed. He assured the Committee that concerned professionals in Togo were aware of such issues and resorted to very light corporal punishment only on rare occasions.

77. In Togo certain restrictions were imposed on the right of association, but, in his view, they were not contrary to the spirit of the Convention. For instance, parental consent was required, in the best interests of the child, to join certain associations.

78. Ms. AHO (Togo) said that there were a number of associations open to children and young people in Togo, such as the International Scout Movement. Young people who were members of a particular religious community often formed groups and went on excursions and holidays together. During the recent school holidays, one such group had organized an information session on the Convention, which she had attended and at which the main presentation had been given by a child.

79. As far as legislation governing Togolese nationality was concerned, the Constitution of the Fourth Republic made provision for children born of a Togolese father or a Togolese mother. Togo's policy towards other children whose civil status and nationality were unknown was not discriminatory, but intended to protect them. Occasionally children were abandoned in Togolese territory by non-nationals. In such cases, the law established that, when the child's mother was known, the child could be granted Togolese nationality.

80. Mr. GNONDOLI (Togo) said that, to his knowledge, torture was not a commonplace practice in Togo, as borne out by the reports of the Special Rapporteur on torture, who had reported no such cases to date in Togo. Admittedly, there had been widespread violence during the political crisis several years previously, when members of the security forces had settled accounts and might have been aggressive during interrogations. However, that could not be equated with torture. He did not have any information on the matter and perhaps the member of the Committee who had raised the issue could be more specific. It was, of course, difficult for any Government to monitor the treatment of suspected criminals during police interrogations and perhaps there was room for improvement in that regard. However, his Government did not condone or practise any form of violence against human beings, particularly children.

81. Ms. AHO (Togo) explained that legal action could be taken in cases of domestic violence or sexual abuse; such offences came under the category of indecent assault. She agreed on the need to raise public awareness of such problems, pointing out that educational programmes aimed at parents were already under way at the local and district levels.

82. Mrs. KARP said that she would like an answer to her earlier question, which had clearly been misunderstood. According to the definition of wilful violence given in article 46, section 2, of the Penal Code, people in Togo were not protected against violence unless it resulted in their incapacity to work. That was not in keeping with universal standards. Moreover, by referring specifically to children below and above the age of 15, the Penal Code differentiated between the protection given to children of different ages. She also requested the delegation to provide statistics on cases of incest that were taken to court and the penalties handed down.

83. Mr. GNONDOLI (Togo) said that the delegation would follow up such matters and make suggestions to Togolese legislators in order to meet the Committee's concerns. Measures must also be taken to ensure that all children and not only certain age groups were afforded proper protection in cases involving violence.

84. Mr. FULCI asked for more information on the procedure for intercountry adoption and the main recipient countries. He also wished to know whether there were any grounds for the rumours that Togolese children were much sought after by international paedophilic crime rings. According to information contained in a report on human rights in Togo by the United States Department of State, moreover, orphans and other children in need were given greater assistance by private organizations than by the State. Was that an accurate statement?

85. Ms. AHO (Togo) said that the main recipient countries for intercountry adoption were France, Switzerland and Italy. Prospective adoptive parents had to comply with certain procedures in their own country: information had be given on their social background and medical, psychological and criminal history and the approval of the national authorities was required. Applicants had to have been married for at least 5 years or be over 35 years of age if they were unmarried. The information was then considered by the adoption committee in Togo to decide whether it met the criteria laid down in the Family Code. She stressed that intercountry adoption was permitted only when there was no viable alternative for a child in his home country. Follow-up activities, including periodic reports on the children's well-being, were ensured in the host countries, for example, by Terre des Hommes in Switzerland and the Togolese Consulate in France. In Italy, however, the adoptive families themselves were responsible for such matters. Any problems that might occur were reported to the competent authorities, which would take the necessary action.

86. She refuted the assertion regarding orphans, since the State did provide assistance and was bound to grant subsidies to orphanages in order to retain its right of inspection. Children were sometimes placed in institutions for short periods (a maximum of one year) owing to health problems or pending decisions on their welfare or custody. Thereafter, they were returned to their family or placed in suitable care, if necessary. The social services ensured the necessary follow-up care and support even for those children who had returned to their family home.

The meeting rose at 6 p.m.